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Reg. for Rev.
J. Chapman
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William C. Johnson, Jr.

Serial No.: 09/977,463

Group Art Unit: 3728

Filed: October 15, 2001

Examiner: Stashick, Anthony D.

For: BOOT WITH OVERSIZED TOE BOX
FOR THERMAL INSULATION

Attorney Docket No.: GEO-55

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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RESPONSE TO OFFICE ACTION

This submission is in response to the June 4, 2003 Office Action. Claims 1 and 5-7 are pending in the application and each of the claims have been rejected. Applicant respectfully traverses the rejection of the claims for the reasons set forth below.

A. Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by the international reference to Techboot WO 92/14372 ("WO '372"). In order for a claim to be anticipated, each and every element of the claim must be present in the reference. In the present case, independent claim 1 recites that the layer of compressible cold insulating material is secured to the inside of the toe box in its uncompressed state. However, as seen most clearly in Figures 2 and 4 of the WO '372 patent, the non-flammable ester foam lining 43 is secured inside the toe box in its compressed state, not in its uncompressed state as recited in claim 1.